

Docket No.: 218155US6X



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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RE: Application Serial No.: 10/050,957

Applicant: Alain GUESDON

Filing Date: January 22, 2002

For: SAFETY DEVICE FOR A SPRAY BOOM

Group Art Unit: 3752

Examiner: KIM, C.

Date Allowed: June 25, 2004

SIR:

Attached hereto for filing are the following papers:

Petition under 37 C.F.R. § 1.181

Copy of Filing Receipt dated-stamped 4/29/02

Copy of Information Disclosure Statement

Copy of PTO-1449

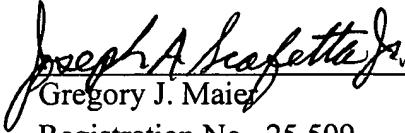
Copy of Search Report w/ English Translation of Category of Cited Documents

Copy of Cited Reference (1)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Joseph A. Scafetta, Jr.

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DOCKET NO. 218155US6X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Alain GUESDON : EXAMINER: KIM, C.
SERIAL NO.: 10/050,957 : DATE ALLOWED: June 25, 2004
FILED: January 22, 2002 : GROUP ART UNIT: 3752
FOR: SAFETY DEVICE FOR A :
SPRAY BOOM

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

37 C.F.R. § 1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances.

The Applicant respectfully petitions in accordance with 37 C.F.R. § 1.181(a)(3) to compel consideration by the Examiner of the French reference (FR 2,673,355) cited in the Information Disclosure Statement (IDS) filed on April 29, 2002, a re-signed copy of which is attached as well as a date-stamped filing receipt.

The Applicant notes that the Official Action dated March 1, 2004, and the Notice of Allowance dated June 25, 2004, indicated that the IDS fails to comply with 37 CFR 1.98(a)(3), and therefore was not being entered or considered. As noted in the Amendment filed on May 20, 2004, IDS filed on April 29, 2002, did comply with 37 CFR 1.98(a)(3). MPEP 609 III.A(3) states that “[w]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the

Application Serial No.: 10/050,957
Alain GUESDON

degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an ‘X’, ‘Y’, or ‘A’ indication on a search report.” (Emphasis added) The Applicant notes that the portion of the search report was filed with the IDS, which indicated that the FR 2,673,355 reference was designed with both an “X” designation and a “D” designation. Furthermore, an English translation of the category designations was also submitted with the IDS, which indicated that an “X” designation indicates a reference is “particularly relevant if taken alone” and that a “D” designation indicates a “document [is] cited in the application.” Accordingly, the IDS filed on April 29, 2002, does comply with 37 CFR 1.98(a)(3), and therefore the Examiner must consider the FR 2,673,355 reference and provide the Applicant with acknowledgement of the consideration of that reference. Therefore, the Applicant requests a copy of the IDS filed on April 29, 2002, that is signed, initialed, and dated by the Examiner as being considered as required under MPEP 609 III. C. 2., in order to clarify that all of the references cited in the IDS have been considered and made of record.

It is respectfully requested that this Petition under 37 C.F.R. § 1.181 be granted and the Examiner compelled to provide the Applicants with a signed, initialed, and dated copy of the IDS filed on April 29, 2002.

Respectfully Submitted,

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OSMM&N File No. 218155US6X By: GJM/smc

Serial No. 10/050,957

In the matter of the Application of: Alain GUESDON
For: SAFETY DEVICE FOR A SPRAY BOOM

The following has been received in the U.S. Patent Office on the date stamped hereon:

- pp. Specification & Claims/Drawings Sheets
- Combined Declaration, Petition & Power of Attorney pages
- List of Inventor Names and Addresses
- Utility Patent Application CPA
- Notice of Priority Priority Doc
- Check for Dep. Acct. Order Form
- Fee Transmittal Form
- Assignment/PTO-1595 pages:
- Letter to Official Draftsman
- Letter Requesting Approval of Drawing Changes
- Drawings sheets Formal
- Letter
- Amendment
- Information Disclosure Statement PTO-1449
- Cited References (4)
- FRENCH Search Report (with English Translation of Category of Cited Documents)
- Statement of Relevancy
- English Abstracts, Concise Explanation, English Translation, Partial English Translation ()
- IDS/Related/List of Related Cases Cited Pending Applications (5)
- Restriction Response
- Rule 132 Declaration
- Petition for Extension of Time Election Response

Due date: 04/29/02





Docket No. 21815-US6X/smc

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PATENT & TRADEMARK OFFICE

UNITED STATES

PATENT AND TRADEMARK OFFICE

WASHINGTON, D.C.

20231

IN RE APPLICATION OF: Alain GUESDON

SERIAL NO: 10/050,957

GAU: 3752

FILED: January 22, 2002

EXAMINER:

FOR: SAFETY DEVICE FOR A SPRAY BOOM

INFORMATION DISCLOSURE/RELATED CASE STATEMENT UNDER 37 CFR 1.97

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- The applicant(s) wish to make of record the references cited in the attached French Search Report listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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SHEET 1 OF 1

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| Form PTO 1449 (Modified) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTY DOCKET NO. 218155US6X | SERIAL NO. 10/050,957 |
| LIST OF REFERENCES CITED BY APPLICANT | | APPLICANT Alain GUESDON | | |
| | | FILING DATE January 22, 2002 | GROUP 3752 | |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
|------------------|--|-----------------|------------|-----------------------|-------|-----------|----------------------------|
| AA | | 6,315,218 | 11/13/2001 | Alain GUESDON | | | |
| AB | | 2,564,041 | 08/14/51 | William M. VOGEL, Jr. | | | |
| AC | | | | | | | |
| AD | | | | | | | |
| AE | | | | | | | |
| AF | | | | | | | |
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FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | TRANSLATION YES | NO |
|----|--|-----------------|----------|---------------|--------------------|----|
| AO | | 2 673 355 | 09/04/92 | FRANCE | | X |
| AP | | 2 107 162 | 04/27/83 | GREAT BRITAIN | | |
| AQ | | | | | | |
| AR | | | | | | |
| AS | | | | | | |
| AT | | | | | | |
| AU | | | | | | |
| AV | | | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

| | |
|----|--|
| AW | |
| AX | |
| AY | |
| AZ | |

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.